

**ERIE COUNTY LEGISLATURE
MEETING NO. 24
DECEMBER 7, 2006**

The Legislature was called to order by Chairman Marinelli.

All members present except Legislator Kennedy.

A Moment of Silence was held.

The Pledge of Allegiance was led by Legislator Whyte.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meetings.

Item 3 – MS. WHYTE moved for the approval of minutes for Meeting 21, 22 and 23 of 2006. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

Item 4 - No Public Hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MS. KONST presented a resolution Congratulating Daniel R. Magrum For His 60 Years of Service to the Bowmansville Volunteer Fire Association.

Item 6 – MR. SMITH presented a resolution Honoring Ed Wily and 100 Mighty Men for Their Outstanding Community Service to the Residents of WNY.

Item 7 – MR. SMITH presented a resolution Honoring the Alpha Kappa Alpha Sorority, Inc. Xi Epsilon Chapter 25th Silver Anniversary.

Item 8 – MS. MARINELLI presented a resolution Honoring the 2006 Erie County Commission on the Status of Women Annual Meeting Luncheon Recipients.

MS. WHYTE presented the above four resolutions and moved for immediate consideration. MR. HOLT seconded.

CARRIED UNANIMOUSLY.

MS. WHYTE moved to amend the four items for Et Al sponsorship and include a Miscellaneous Resolution submitted by Legislator Iannello. MS. IANNELLO seconded.

CARRIED UNANIMOUSLY.

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Item 9 – MS. IANNELLO presented a resolution Honoring NRG Huntley for the Past 90 Years of Success.

MS. WHYTE moved to approve the above five items as amended. MR. REYNOLDS seconded. CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 10 - CHAIRMAN MARINELLI directed that Local Law No. 7 (Print #1) 2005 remain on the table.

GRANTED.

Item 11 – CHAIRMAN MARINELLI directed that Local Law No. 12 (Print #1) 2005 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 12 - CHAIRMAN MARINELLI directed that Local Law No. 4 (Print #1) 2006 remain on the table.

GRANTED.

Item 13 - CHAIRMAN MARINELLI directed that Local Law No. 5 (Print #1) 2006 remain on the table.

GRANTED.

Item 14 - CHAIRMAN MARINELLI directed that Local Law No. 6 (Print #1) 2006 remain on the table.

GRANTED.

Item 15 - CHAIRMAN MARINELLI directed that Local Law No. 8 (Print #1) 2006 remain on the table.

GRANTED.

COMMITTEE REPORTS

Item 16 – MS. LOCKLEAR presented the following report, moved to separate items No. 2 and 5, and moved to approve the balance of the report. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 339

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NOVEMBER 28, 2006

HEALTH COMMITTEE
 REPORT NO. 13

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 17E-2 (2006)
COMPTROLLER: ECMCC Senior Bonuses
 (4-0)
 - b. COMM. 20D-4 (2006)
HEALTH: Proposed Revisions to the Erie County Sanitary Code, Article I, Section 9
 (4-0)
 - c. COMM. 22M-6 (2006)
ECMC: Reappointment of Ronald A. Chapin - Voting Member, ECMCC Board of Directors
 (4-0)
 - d. COMM. 22M-9 (2006)
RONALD A. CHAPIN: Reappointment to ECMCC Board of Directors
 (4-0)
2. COMM. 15E-44 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Medical Examiner Division currently charges a \$5.00 fee for photocopying of autopsy reports. This fee is waived for next of kin, police agencies, the District Attorney and Quality Assurance Committees, and

WHEREAS, the Erie County Medical Examiner's Division processes numerous requests for photocopies of autopsies, which involve extensive clerical and bookkeeping procedures in order to properly process the payment and generate the photocopy, and

WHEREAS, the Department of Health's Medical Examiner Division wishes to increase the current photocopy fee from \$5.00 to \$35.00 in order to more accurately reflect the cost of providing this service as recommended by Erie County Fiscal Stability Control Board's consultant – PFM, and to be in the range of fees charged by similar size counties, and

WHEREAS, photocopy fees charged by other counties are as follows:

Niagara County	\$50	Monroe County	\$30	Onondaga	\$30.00
Suffolk County	\$35	Nassau County	\$30		

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes increasing the photocopy fee for autopsy reports from \$5.00 to \$35.00, effective January 1, 2007, and be it further

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RESOLVED, that this fee shall be waived for next of kin, police agencies, the District Attorney and Quality Assurance Committees, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

(4-0)

3. COMM. 20E-10 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Mental Health is responsible for the delivery of a comprehensive range of mental health and chemical dependency services for the residents of Erie County, and

WHEREAS, the Erie County Department of Mental Health has been awarded \$108,424 by the New York State Office of Alcoholism and Substance Abuse Services as part of a State award to Jewish Family Services, Inc., and

WHEREAS, no County funds will be required for Erie County to accept these New York State funds to serve individuals or families affected by gambling disorders, and

WHEREAS, the New York State Office of Alcoholism and Substance Services has identified Jewish Family Services, Inc., as the recipient of this award through a statewide Request for Proposals process, and

WHEREAS, the Erie County Legislature has already authorized the County and the Department of Mental Health to contract with Jewish Family Services, Inc., in 2006.

NOW, THEREFORE, BE IT

RESOLVED, that the 2006 appropriation, contract and funds reservation for Jewish Family Services, Inc. (GL 516010), be increased by \$108,424 in the Operating Fund accounts of the Erie County Department of Mental Health to provide gambling addiction treatment services for the period January 1, 2006 through December 31, 2006. The source of these funds being NYS Office of Alcoholism and Substance Abuse Services State Aid dollars (GL 406860), and be it further

RESOLVED, that the County Executive be authorized to amend and increase the 2006 appropriation, contract and funds reservation (100000309, line 2) for the period January 1, 2006 through December 31, 2006, for Jewish Family Services, Inc., by an amount not to exceed \$108,424, and be it further

RESOLVED, that certified copies of this resolution be furnished to the Office of the County Executive, the Department of Mental Health, the Office of the Comptroller, and the Division of Budget, Management and Finance.

(4-0)

4. COMM. 22E-14 (2006)

COUNTY EXECUTIVE

WHEREAS, the Centers for Disease Control and Prevention (CDC) has awarded funding to upgrade state and local public health preparedness and response capabilities relative to bioterrorism, and

WHEREAS, the Erie County Department of Health has received a continuation grant award in the amount of \$ 950,265 from New York State Health Research, Inc. (HRI) to plan and develop response capacity to a bioterrorism event in collaboration with New York State, and

WHEREAS, the Erie County Department of Health has received a grant award in the amount of \$150,000 from New York State Health Research, Inc. (HRI) to develop a plan under the Cities Readiness Initiative (CRI) for Erie County, and

WHEREAS, the Erie County Department of Health has received funding through the Western New York Public Health Alliance in the amount of \$75,488 to provide services relative to establishing a Rural Advanced Practice Center for Excellence in Public Health Preparedness, and

WHEREAS, the eight (8) Counties of Western New York comprised of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans and Wyoming have joined together as the Western New York Public Health Alliance for the purpose of protecting the public health through regional planning and cooperation, and

WHEREAS, the eight (8) Counties of the Western New York Public Health Alliance have designated Erie County as the lead county for the purpose of coordination of the Bioterrorism Plan and are desirous of contracting to provide certain deliverables which are required by Health Research Inc. contract, and will pay Erie County a portion of their State grant for these services, and

WHEREAS, in order to efficiently meet the requirements of this award, it is necessary to implement staffing adjustments which include the creation of one full time position of Administrative Clerk, JG 7, Step 0, B100 number 2406, one full time position of Data Processing Control Clerk, JG 5, Step 0, B100 number 2405, and one part time position of Public Health Preparedness Medical Director, JG 18, Step 5, B100 number 2423, and the deletion of one full-time position of Principal Clerk, JG 6, position number 7403, and one regular part time Regional Medical Director, JG 18, position number 7828, and

WHEREAS, it is necessary to reallocate the Regional Coordinator position number 7827, from JG 11 to JG 13, as indicated on B100 control number 2422, and

WHEREAS, it is necessary to recruit in Job Group 18, Step 5, for the position of Public Health Preparedness Medical Director (PT) in order to secure and retain a qualified and experienced candidate.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Department of Health is hereby designated as the lead agency for the WNYPHA for the purposes of coordinating the provision of certain deliverables required by the HRI contract, and be it further

RESOLVED, that the Erie County Executive is hereby authorized to enter into agreements with the following counties for the purpose of coordinating the regional plan at the following rates to be paid by the said counties to Erie County:

Allegany County	\$ 4,500
Cattaraugus County	\$ 9,896
Chautauqua County	\$15,475
Genesee County	\$ 8,500
Niagara County	\$21,985
Orleans County	\$ 7,500
Wyoming County	\$ 7,500

and be it further

RESOLVED, that the County Executive is authorized to accept the continuation grant award from HRI in the amount of \$950,265, and be it further

RESOLVED, that the County Executive is authorized to accept the grant award from HRI to develop a Cities Readiness Initiative plan for Erie County in the amount of \$150,000 and be it further

RESOLVED, that the County Executive is authorized to enter into an agreement with WNYPHA, Inc. in the amount of \$75,488 for the purpose coordinating the development for the Rural Advanced Practice Center for Excellence in Public Health Preparedness, and be it further

RESOLVED, that the Erie County Legislature hereby authorizes the following budget:

Bio- Terrorism
8/31/06 to 8/30/07

		Cost Center 1272010				
	HS127	BT0607	BTECREG0607	BTCRI0607	BTREGION0607	BTWNYPHA0607
REVENUE						
414000	Federal Aid	\$855,239	\$95,026	\$150,000	\$0	\$0
	Other					
479100	Contributions	<u>0</u>	<u>0</u>	<u>0</u>	<u>75,356</u>	<u>75,488</u>
	TOTAL	<u>\$855,239</u>	<u>\$95,026</u>	<u>\$150,000</u>	<u>\$75,356</u>	<u>\$75,488</u>
EXPENSES						
500000	Personnel	\$444,038	\$32,861	\$54,012	\$26,059	\$53,920
	Fringe					
502000	Benefits	171,832	12,749	20,895	10,109	21,568
505000	Supplies	35,871	30,574	49,393	24,245	0

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Position will be filled from: Civil Service

Title: Public Health Preparedness Medical Director (PT) JG: 18
 Number of hours to be worked: 19 Hourly wage: \$51.44
 Fringe Benefit Cost: \$6.69/hr
 County's Share: 0
 Manner in which position will be filled: Recruited from recent ECMC Emergency Fellowship

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

(4-0)

5. COMM. 22E-16 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received a grant from the New York State Health Department in the amount of \$220,542.00 for the period 10/1/06 through 9/30/07, with an option for two one-year extensions, and

WHEREAS, this grant authorizes the creation of one full-time position of Supervising Public Health Sanitarian, JG: XI, Step 0, as indicated on B100 control number 2433, and 10 part time positions of Enforcement Officer, JG XV, Step 0, as indicated on B100 control number 2434 to manage the increased requirements of the grant, and

WHEREAS, this grant also authorizes the deletion of one full-time position of Senior Investigating Public Health Sanitarian, JG: X, position number 8822 as indicated on B100 control # 2433 and

WHEREAS, over 300,000 people in the United States die of causes directly related to smoking, and

WHEREAS, most smokers start using tobacco before the age of eighteen, and

WHEREAS, the Health Department's Environmental Health Unit is responsible for the enforcement of the New York State Clean Indoor Air Act that prohibits smoking in most public indoor places and the New York State Adolescence Tobacco Use and Prevention Act that prohibits the sale of tobacco products to persons under the age of eighteen, and

WHEREAS, the County desires to subcontract with various Police agencies, other security agencies in Erie County and the Wellness Institute of Greater Buffalo and Western New York, Inc. to conduct checks of facilities to ascertain compliance with the Clean Indoor Air Act and to conduct checks of merchants who sell tobacco products by using underage operatives who will attempt to purchase tobacco products, and

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WHEREAS, the County desires to contract for the services of a software/database developer to develop and maintain a program that will be able to integrate information collected from existing tablet computers into a new data base and to further integrate the developed system with existing State Health Department requirements and conduct the associated training.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to enter into an amended contract with the New York State, and be it further

RESOLVED, that one full-time position of Senior Investigating Public Health Sanitarian, JG: X, position number 8822 is hereby deleted, and be it further

RESOLVED, that one full time position of Supervising Public Health Sanitarian, JG XI, and 10 part time positions of Enforcement Officer, JG XV are hereby created. The following personnel detail is hereby submitted:

Title: Supervising Public Health Sanitarian	Funding: 100% State Reimbursed
Step: 0	Civil Service: Yes
JG: XI	Civil Service List: Recall List
Annual Salary: \$41,870	
Annual Benefits: \$16,750	

Title: Enforcement Officer – Part Time	County Share: 0
JG: XV	
Number of Hours to be Worked: 19 hrs or less/wk	
Manner in which position to be filled: Retired law enforcement officers	
Fringe Benefits: 13%	

and be it further

RESOLVED, that the County Executive is hereby authorized to subcontract with the various police agencies, other security agencies and the Wellness Institute of Greater Buffalo and Western New York, Inc. to conduct checks of facilities to ascertain compliance with the Clean Indoor Air Act and to conduct compliance checks of merchants by using underage operatives to attempt to purchase tobacco products to carry out this project, and be it further

RESOLVED, that police agencies will be reimbursed at the rate of \$45.00 per compliance check, and be it further

RESOLVED, that the Wellness Institute of Greater Buffalo and Western New York, Inc. will be reimbursed at a sum not to exceed \$4,000 per year, and be it further

RESOLVED, that the Erie County Executive is hereby authorized to contract for computer software/database developer from qualified individuals, in an amount not to exceed \$9,999, and be it further

RESOLVED that the subcontracts with the Wellness Institute of Greater Buffalo and Western New York, Inc., various police agencies and other security agencies are special services which must be provided immediately and continuously, and therefore the RFP procedure required under Erie County Local Law No. 6, Section 19.08 of the Erie County Administrative Code, is hereby waived, and be it further

RESOLVED, that one half of the fines collected by the Health Department for the sale of tobacco products to minors be returned to the participating police agencies where the violation occurred to be used for educational programs designed to prevent adolescents from smoking as provided in Article 13-F of the New York State Public Health Law, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive, the Department of Health, the Department of Personnel, the Division of Budget, Management and Finance, the Office of the Comptroller and the Department of Law.
(4-0)

6. COMM. 22E-24 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Health Department operates a WIC Program funded by a grant from the New York State Department of Health which pays for 100% of expenses incurred, and

WHEREAS, the Erie County Health Department provides an important program of supplemental food and nutrition to high risk women, infants and children through its WIC Program sites in various locations throughout Erie County, and

WHEREAS, the Erie County Health Department wishes to enter into lease agreements with the following community agencies:

St. Simon's Episcopal Church 200 Cazenovia Buffalo, NY 14210	\$7,800/year (with option for two one-year extensions) (\$7,200/year previous yearly cost)	11/1/06-10/31/07
Concerned Ecumenical Ministry 286 Lafayette Buffalo, NY 14210	\$1,800/year (with option for two one-year extensions) (\$1,200/year previous yearly cost)	9/1/06-8/31/07

to be utilized as a WIC distribution sites, and

WHEREAS, the written lease agreements for each site were approved as to form by the Erie County Attorney and reviewed by the following: WIC Director, NYS Department of Health Field Representative, Commissioner of Health, and Director of Finance, Management and Budget.

NOW, THEREFORE BE IT

RESOLVED, that the Erie County Legislature hereby approves of this community service and authorizes the County Executive to enter into lease agreements with St. Simon's Episcopal

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Church and Concerned Ecumenical Ministry, there being funds available in the WIC Program budget, and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, Office of the Comptroller, the Division of Budget, Management and Finance and the Department of Law.
 (4-0)

7. COMM. 22E-33

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Health has received funding from the Urban Area Security Initiative Grant (UASI) for the purpose of providing respirator fit testing services to public health, police, fire, and EMS first responders, and

WHEREAS, first responders are required to utilize respiratory protection when responding to chemical, biological, radiological and other emergencies, and

WHEREAS, police, fire and EMS personnel are vital partners with the Department of Health in responding to such emergencies, and

WHEREAS, OSHA regulations require that respirators be fit tested to assure proper functioning, and

WHEREAS, in order to effectuate this program it will be necessary to create two part-time positions of Medical Office Assistant in the Health Department as indicated on B100 # 2448.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby authorizes the creation of two part-time positions of Medical Office Assistant, at an hourly rate of \$12.06.

The following personnel detail is hereby submitted:

TITLE: Medical Office Assistant – Part Time

JG: IV

NUMBER OF HOURS TO BE WORKED: 19/wk

HOURLY RATE: \$12.06

COUNTY'S SHARE: 0

MANNER IN WHICH POSITION WILL BE FILLED: Advertised

FRINGE BENEFITS: 13%

and be it further

RESOLVED, that the Erie County Legislature hereby approves the following budget:

Respirator Fit Testing Program
 SAP TITLE: 127RFT0607

12/1/06 – 11/30/07

REVENUE

SAP	REVENUE	Amount
	UASI 2005	<u>\$33,533</u>
	Total	<u>\$33,533</u>

SAP	EXPENSE	Amount
500020	Salary	\$24,038
502000	Fringe:	3,125
510000	Local Mileage	2,670
505800	Medical & Health Supplies	200
510200	Training & Education	1,000
505000	Office Supplies	<u>2,500</u>
	Total	<u>\$33,533</u>

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Office of the County Executive, the Department of Health, the Department of Personnel, the Office of the Comptroller, the Division of Budget, Management and Finance, and the Department of Law.

(4-0)

CYNTHIA E. LOCKLEAR
CHAIRMAN

MS. LOCKLEAR moved to approve Item No. 2. MR. MAZUR seconded.

CHAIRMAN MARINELLI directed that a roll-call vote be taken.

AYES: MILLS, WEINSTEIN, IANNELLO, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. NOES: RANZENHOFER and HOLT. (AYES: 12; NOES: 2)

CARRIED.

MS. LOCKLEAR moved to amend Item No. 5. MR. MAZUR seconded.

CARRIED UNANIMOUSLY.

ADD the following as the Final RESOLVED:

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RESOLVED, the Commissioner of the Department of Health shall report the findings of all compliance investigations and the effectiveness of the implementation of this program on a quarterly basis to the Erie County Legislature and County Executive.

MS. LOCKLEAR moved for the approval of Item No. 5 as amended. MR. REYNOLDS seconded. MR. RANZENHOFER voted in the negative.

CARRIED. (13-1)

Item 17 - MR. LOUGHRAN presented the following report, moved to separate item No. 6, and move to approve the balance of the report. MS. WHYTE seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 340

NOVEMBER 30, 2006

ENERGY & ENVIRONMENT COMMITTEE
 REPORT NO. 17

ALL MEMBERS PRESENT. CHAIRMAN MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 4E-9 (2006)
MARINELLI: Energy & Environment Matrix Tracking
 (5-0)
 - b. COMM. 18D-7 (2006)
COUNTY ATTORNEY: NYS Lawncare Assn. Vs. Erie County
 (5-0)
 - c. COMM. 18M-1 (2006)
CORINA BERMAN: Letter to Marinelli Re: Neighborhood Notification Law
 (5-0)
 - d. COMM. 20M-2 (2006)
CITY OF BUFFALO COMMON COUNCIL: Certified Resolution Re: Immediate Establishment of the Parks Advisory Board
 (5-0)
 - e. COMM. 21M-2 (2006)
ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL: Erie County Mandatory Pesticide Neighbor Notification Act
 (5-0)
 - f. COMM. 22E-19 (2006)
COUNTY EXECUTIVE: ECSD No. 6 - Emergency Repair - Warsaw St. Sinkhole Repair

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(5-0)

2. COMM. 28E-15 (2005)
COUNTY EXECUTIVE
 RESOLUTION NO. 341

RESOLUTION DATED _____, 2006

RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED MODIFICATION OF PLANS FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO. 4 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) _____, 2006.

(Adopted) _____, 2006

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 4 of the County of Erie, New York, (the "District") has heretofore been established and an increase and improvement of facilities for such District has been authorized by the County Legislature of the County of Erie, New York; and

WHEREAS, such County Legislature has heretofore received a report and estimate of cost from County engineers (the Erie County Department of Environment and Planning), relating to a proposed modification of plans for such increase and improvement of the facilities of said District No. 4 which report and estimate of cost have been filed with the County Legislature pursuant to Section 253-b of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed modification of plans for such increase and improvement of the facilities of said District No. 4 in said County, consisting of the construction and installation of approximately 2,353 linear feet of gravity sewer line installed on William Street/Old Schoolhouse Road in the Town of Lancaster, all as more fully described in the report and estimate of cost herein referred to; and

WHEREAS, the maximum estimated cost of the aforesaid construction of the facilities of said Sewer District No. 4 is \$350,000 to be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

WHEREAS, hook up/inspection fees required are \$500.00 per new residential home and a \$2.00 permit fee at the time of connection. Existing residential homes are required to pay a \$2.00 permit fee at the time of connection; and

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WHEREAS, it is now desired to call a public hearing to consider said modification of plans for such increase and improvement in accordance with the provisions of Section 253-b of the County Law;

NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at the Erie County Legislature, 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 4th day of January, 2007, at 1:30 o'clock P.M., (Prevailing Time), for the purpose of conducting a public hearing upon the aforesaid proposal for modification of plans for such increase and improvement of facilities of Erie County Sewer District No. 4 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law or proper in the premises.

Section 2. The notice of such public hearing shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at Erie County Legislature, 92 Franklin Street, 4th Floor, in Buffalo, New York, in said County, on the 4th day of January, 2007, at 1:30 o'clock P.M., (Prevailing Time), for the purpose of conducting a public hearing upon a proposed modification of plans for increase and improvement of facilities of Erie County Sewer District No. 4 in said County (the "District").

The modification of plans for increase and the improvement of the facilities consists of the construction and installation of approximately 2,353 linear feet of gravity sewer line installed on William Street/Old Schoolhouse Road in the Town of Lancaster, all as more fully described in the report and estimate of cost prepared by the County Engineers (Erie County Department of Environment and Planning) which has been filed with the County Legislature and which has been approved by the Erie County Sewer Agency, pursuant to a written report dated October 6, 2006, which also has been filed with said County Legislature.

The maximum estimated cost of the aforesaid design and engineering of facilities is \$350,000 to be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time; and

Hook up/inspection fees required are \$500.00 per new residential home and a \$2.00 permit fee at the time of connection. Existing residential homes are required to pay a \$2.00 permit fee at the time of connection.

Dated: Buffalo, New York,
 _____, 2006.

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BY ORDER OF THE COUNTY
 LEGISLATURE OF THE COUNTY OF
 ERIE, NEW YORK

By ROBERT M. GRABER
 Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in *The Amherst Bee* and in *The Front Page*, the official newspapers of said County, and *The Lancaster Bee*, not less than ten nor more than twenty days before the date set herein for said public hearing.

Section 4. This resolution shall take effect immediately.
 (5-0)

3. COMM. 20E-16 (2006)
COUNTY EXECUTIVE

WHEREAS, the Erie County Charter stipulates that all requests for appropriation of unanticipated revenue must be approved by the County Legislature,

NOW, THEREFORE, BE IT

RESOLVED, that the appropriation of unanticipated Gas Well Rents (Commitment Item #422040) in the amount of \$16,274.12 to the Maintenance Contract Account (Commitment Item #516030) in the budget of the Department of Environment and Planning to facilitate payment of an invoice for ESRI for GIS Software Maintenance is hereby approved; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive; the Director of the Division of Budget, Management, and Finance; the Office of the Comptroller; and the Commissioner of the Department of Environment and Planning.

(5-0)

4. COMM. 22E-15 (2006)
COUNTY EXECUTIVE

WHEREAS, the Village of East Aurora has requested that the County assume ownership, operation and maintenance of the Village's Sanitary Sewer Districts; and

WHEREAS, the Division of Sewerage Management recommends that the existing intermunicipal agreement and resolution be rescinded and that a new agreement and resolution be accepted; and

WHEREAS, an intermunicipal agreement between the Village of East Aurora and Erie County to provide sanitary sewer operation and maintenance services be provided by Erie County Sewer District No.3; and

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WHEREAS, the County will create Erie County Sewer District No. 8 to include the Village and portions of the Town, said Sewer District will acquire ownership of the Village's sanitary sewer system assets after the creation of the District; and

WHEREAS, the Department of Environment and Planning recommends approval to provide operation and maintenance sanitary sewer service to the Village of East Aurora by Erie County Sewer District No. 3 and transfer of ownership of assets after the creation of Erie County Sewer District No. 8.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No.3, and the Village of East Aurora for the purpose of providing operation and maintenance sanitary sewer by ECSD No. 3 to the Town's Sewer Districts be approved, and the eventual transfer of ownership of the Village's sewer system to Erie County following the creation of Erie County Sewer District No.8 will occur; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute said agreement subject to approval as to form by the County Attorney and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one copy each to the County Executive; the Erie County Comptroller; the Director of Budget and Management; Gregory Dudek, Assistant County Attorney; and David J. DiPietro, Mayor, Village of East Aurora and two (2) certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner of the Department of Environment and Planning.

(5-0)

5. COMM. 22E-20 (2006)

COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature does hereby confirm the appointments of the following individuals to the Board of Managers for Erie County Sewer District #3:

<u>Name and Address</u>	<u>Term Expiration</u>
John Chilcott 5547 Juno Drive Lakeview, New York 14085	December 31, 2007
Peter Godios 4682 Chpman Parkway Hamburg, New York 14075	December 31, 2007

(5-0)

6. COMM. 22E-27 (2006)

COUNTY EXECUTIVE

**MEETING NO. 24
DECEMBER 7, 2006**

ERIE COUNTY LEGISLATURE

WHEREAS, the Board of Managers for Erie County Sewer Districts Nos. 1, 2, 3, 4, 5, 6 and 8 have a system of Sewer District User Charges or Fees; and

WHEREAS, the Boards have requested and are desirous of collecting said User Charges or Fees in 2007 for properties in the same manner and fashion as the regular sewer district taxes as has been done in the past year.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Budget, Management and Finance is hereby authorized and directed to spread said 2007 Sewer District User Charges or Fees against properties within Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 & 8 liable therefore as provided by law; and be it further

RESOLVED, that the following amounts be collected:

Sewer District #1	\$
Sewer District #2	\$
Sewer District #3	\$
Sewer District #4	\$
Sewer District #5	\$
Sewer District #6	\$
Sewer District #8	\$ _____
	\$

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Real Property Tax Services, the Director of Budget, Management and Finance, Gregory Dudek, Assistant County Attorney and Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning.

(5-0)

7. **COMM. 22E-35 (2006)**
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of Parsons Engineering Science, to provide engineering services, and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that all engineering services are now complete, and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement with Parsons Engineering Science dated November 27, 2002 at the final contract amount of \$302,791.73.

NOW, THEREFORE, BE IT

MEETING NO. 24
DECEMBER 7, 2006

ERIE COUNTY LEGISLATURE

RESOLVED, that the Engineering Agreement dated November 27, 2002 between the County of Erie/Erie County Sewer District No. 1 and Parsons Engineering Science be formally closed-out in the final contract amount of \$302,791.73, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to formally close-out the Engineering Agreement and cancel all remaining balances between the County of Erie/Erie County Sewer District No. 1 and Parsons Engineering Science dated November 27, 2002, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Gregory Dudek, Assistant County Attorney.

(5-0)

8. COMM. 22E-36 (2006)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has secured the services of Stearns & Wheler, LLC, to provide engineering services, and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has advised the Legislature that all engineering services are now complete, and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has recommended the formal close-out of the Engineering Agreement with Stearns & Wheler, LLC dated March 1, 1999 at the final contract amount of \$221,040.64.

NOW, THEREFORE, BE IT

RESOLVED, that the Engineering Agreement dated March 11, 1999 between the County of Erie/Erie County Southtowns Sewage Treatment Agency and Stearns & Wheler, LLC be formally closed-out in the final contract amount of \$221,040.64, and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to formally close-out the Engineering Agreement and cancel all remaining balances between the County of Erie/Erie County Southtowns Sewage Treatment Agency and Stearns & Wheler, LLC dated March 1, 1999, and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Gregory Dudek, Assistant County Attorney.

(5-0)

9. COMM. 22E-37 (2006)

**MEETING NO. 24
DECEMBER 7, 2006**

ERIE COUNTY LEGISLATURE

COUNTY EXECUTIVE

WHEREAS, the 2007 Assessment Rolls for Erie County Sewer District Nos. 1-6 and 8 describing each lot or parcel of land have been prepared by the Division of Sewerage Management; and

WHEREAS, the Division of Sewerage Management has also assessed the estimate of expenditures and proportioned them to the lots and parcels of land as nearly as may be to the benefit which each lot or parcel will derive therefrom; and

WHEREAS, the Clerk of the Legislature had a Notice of Public Hearing published in the official County newspapers at least five (5) days prior to the date of the Public Hearing which informed the public that the Assessment Rolls would be open for public inspection on and after the first day of October, 2006; and

WHEREAS, said Public Hearing was held in the Chamber of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, New York, at 1:30 p.m., local time on November 2, 2006 and that all persons desiring to be heard were duly heard and that all objections have been heard and considered; and

WHEREAS, said Assessment Rolls, estimate of expenditures, and Public Hearing were carried out in accordance with Article 5A, Sections 270 and 271 of County Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby affirm and adopt the 2007 Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and Thomas J. Whethem, P.E., Deputy Commissioner, Department of Environment & Planning.

(5-0)

**THOMAS A. LOUGHRAN
CHAIRMAN**

CHAIRMAN MARINELLI directed that Item No. 6 be sent back to the ENERGY & ENVIRONMENT COMMITTEE for further consideration.

LEGISLATOR RESOLUTIONS

Item 18 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MS. IANNELLO seconded.

CHAIRMAN MARINELLI directed that a roll-call vote be taken.

AYES: MILLS, RANZENHOFER, WEINSTEIN, HOLT, IANNELLO, KONST, KOZUB, LOCKLEAR, LOUGHRAN, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. NOES: none. (AYES: 14; NOES: 0)

CARRIED.

RESOLUTION NO. 342

RE: Encouraging Selection of Tonawanda's
Huntley Station as a NYS Clean Coal Initiative
Designee (INTRO 24-1)

**A RESOLUTION TO BE SUBMITTED BY LEGISLATORS
LOUGHRAN, MARINELLI, IANNELLO, WHYTE, REYNOLDS,
RANZENHOFER, KONST, WEINSTEIN, MILLS, KENNEDY,
KOZUB, HOLT, LOCKLEAR, AND MAZUR**

WHEREAS, NRG Energy, Inc. has announced plans for a \$1.5 billion upgrade of the CR Huntley Station power plant located on the east shore of the Niagara River, off River Road, in the Town of Tonawanda, which aims to double generating output, secure and create good-paying jobs, and result in a much more clean and environmentally responsible operation; and

WHEREAS, The CR Huntley Station has a long history on its 120-acre site in Tonawanda, with some of its structures dating back to 1916 when "River Station" first began commercial service, and at one time was the largest coal-fired plant in the world during World War II; and

WHEREAS, The investment in CR Huntley will not only lead to a more cleaner-running and environmentally-friendly power plant, it also means a brighter and more secure future for the 131 people currently employed there, the creation of about 100 new positions, and also the creation of more than 1,000 construction jobs; and

WHEREAS, The upgrade includes the installation of modern emission control equipment on two CR Huntley units that have been problematic in controlling harmful pollutants, and will result in dramatic reductions in sulfur dioxide, nitrogen oxide, and mercury emissions, according to NRG officials; and

WHEREAS, A new power plant will also be constructed on the CR Huntley site, utilizing "Integrated Gasification Combined Cycle" (IGCC), a technology used to convert coal into combustible gas, with the resulting byproducts cleaned and resold for other industrial and construction uses; and

WHEREAS, When the new IGCC plant comes on line in 2012, combined with the existing two upgraded coal-fueled units, generating capacity will nearly double, from 552 megawatts today to 1,010 megawatts; and

WHEREAS, Moreover, adding to the positive local job outlook and environmental benefits, the new vision for the CR Huntley Station will mean more stable electricity prices, and perhaps a reduction, for Western New York residents, according to NRG Executive Vice President Curt

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Morgan, who said that with more “baseload generation” in New York State, the added megawatts will help to reduce the volatility in electric bills that have affected local consumers in recent years.

NOW, THEREFORE, BE IT

RESOLVED, That the Erie County Legislature does hereby go on record in saluting NRG Energy Inc. upon the good news of a proposed \$1.5 billion upgrade to the CR Huntley Generating Station located in the Town of Tonawanda; and be it further

RESOLVED, That this Legislature notes that the modernization of CR Huntley has long been a goal of environmentalists who are understandably concerned about emissions generated by the plant, the harmful effects of these greenhouse gasses, and their link to global warming; and be it further

RESOLVED, That this Legislature respectfully and wholeheartedly requests that New York Governor George E. Pataki select the CR Huntley Station in the Town of Tonawanda as the designee for the administration’s clean coal initiative, so that CR Huntley can qualify for incentives and finance guarantees to ensure that this project can become a reality; and be it further

RESOLVED, That this Legislature additionally urges support for proposed federal tax credits from the United States Department of Energy, as well as additional Empire Zone and other New York State incentives to ensure its viability; and be it further

RESOLVED, That certified copies of this resolution be forwarded to NRG Energy Inc., New York Governor George A. Pataki, the Western New York delegations to Congress and the New York State Legislature, the United States Department of Energy, and Erie County Executive Joel A. Giambra.

Item 19 – MS. WHYTE presented the following resolution and moved for immediate consideration and approval. MR. KOZUB seconded.

CHAIRMAN MARINELLI directed that a roll-call be taken.

AYES: WEINSTEIN, HOLT, IANNELLO, KOZUB, MARINELLI, MAZUR, REYNOLDS, SMITH and WHYTE. NOES: MILLS, RANZENHOFER, KONST, LOCKLEAR, LOUGHRAN.
 (AYES: 9; NOES: 5)

CARRIED.

RESOLUTION NO. 343

**A RESOLUTION SUBMITTED BY LEGISLATORS
 MARINELLI, WHYTE, KENNEDY, IANNELLO,
 KOZUB, MAZUR, REYNOLDS, SMITH and HOLT**

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ERIE COUNTY LEGISLATURE

RESOLVED, the Erie County Legislature does hereby make the following technical amendments to the Legislature's 2006 Adopted Departmental Budget all of which can be effectuated while keeping within the Legislature's Adopted appropriation for 2006 and 2007; and be it further

RESOLVED, that the title of Senior Secretarial Assistant Legislative District Office (JG6) is hereby reclassified to Administrative Clerk (Legislature) (JG7) and notwithstanding any language in any collective bargaining agreement of Erie County Personnel Policy to the contrary, current incumbents serving in the title of Senior Secretarial Assistant Legislative District Office shall be reinstated, effective December 8, 2006, to Administrative Clerk (Legislature) at a JG 7, step 4; and be it further

RESOLVED, that the Clerk of the Erie County Legislature send a certified copy of this Resolution to the Erie County Executive and the Erie County Personnel Commissioner.

Item 20 - CHAIRMAN MARINELLI directed the following resolution be sent to the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

INTRO 24-3 from LEGISLATORS KOZUB, KONST & LOCKLEAR Re: Federal Hazard Mitigation Funding

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 21 – MS. WHYTE moved to discharge the HEALTH COMMITTEE from further consideration of COMM. 22E-21. MS. LOCKLEAR seconded. MS. IANNELLO voted in the negative.

CARRIED. (13-1)

RESOLUTION NO. 344

RE: Reappointment to the ECMC Board of Directors (COMM. 22E-21)

RESOLVED, the Erie County Legislature does hereby confirm the reappointment of the following individual to the Erie County Medical Center Corporation to a term of five (5) years beginning January 1, 2007.

Jody Lomeo
 6150 Walnut Creek Ct.
 East Amherst, New York 14051

MS. WHYTE moved to approve the item. MS. LOCKLEAR seconded. MS. IANNELLO voted in the negative.

CARRIED. (14-1)

SUSPENSION OF THE RULES

MEETING NO. 24
DECEMBER 7, 2006

ERIE COUNTY LEGISLATURE

Item 22 – MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 24E-27 from MARINELLI Re: Copy of Letter to Constituents Regarding the 2007 Erie County Budget

Received and filed.

Item 23 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 24E-28 from MARINELLI Re: Copy of Letter to County Attorney Re: Future of ECMC

Received and referred to the HEALTH COMMITTEE.

Item 24 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO 24-4 from LEGISLATOR SMITH Re: The Establishment of a Diversity Enhancement Committee

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 25 - MS. WHYTE moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 24E-29 from LEGISLATOR KENNEDY Re: Absence from Session

Received, Filed and Printed.

December 7, 2006

Hon. Lynn Marinelli
Chairwoman
Erie County Legislature
92 Franklin St.
Buffalo, NY 14202

MEETING NO. 24
DECEMBER 7, 2006

ERIE COUNTY LEGISLATURE

Dear Chairwoman Marinelli:

This letter is to notify you of my absence for the legislative session scheduled for today, December 7, 2006.

I will be accompanying my wife while she undergoes emergency surgery.

Sincerely,

Timothy M. Kennedy
Erie County Legislature, District 2

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE COMPTROLLER

Item 26 – (COMM. 24E-1) Erie County Legislature Charter Working Group

Received, Filed and Printed.

November 15, 2006

Hon. Lynn M. Marinelli, Chair
Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Re: Erie County Legislature Charter Working Group

Dear Chairwoman Marinelli:

Thank you for your invitation to participate as a member of the Erie County Legislature Charter Working Group.

I am pleased to inform you that Deputy Comptroller Gregory G. Gach will serve as my representative on the Working Group.

Sincerely yours,

Mark C. Poloncarz, Esq.
Erie County Comptroller

MCP/sa

Cc: Gregory G. Gach

MEETING NO. 24
DECEMBER 7, 2006

ERIE COUNTY LEGISLATURE

FROM THE COUNTY EXECUTIVE

Item 27 – (COMM. 24E-2) Erie County Legislature Charter Working Group

Received, Filed and Printed.

November 20, 2006

Hon. Lynn M. Marinelli
Chair, Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Chair Marinelli:

This will acknowledge receipt of your letter dated November 13th regarding implementation of the Charter changes which were recently approved by Erie County voters.

Please be advised that I am designating Warren Galloway, Senior Executive Assistant to be my designee on this panel. Warren can be reached at 858-8921.

If you need any further assistance from my office, please don't hesitate to contact me.

Sincerely yours,

JOEL A. GIAMBRA
ERIE COUNTY EXECUTIVE

JAG:kg

FROM LEGISLATOR WEINSTEIN

Item 28 – (COMM. 24E-3) Erie County Legislature Charter Working Group

Received, Filed and Printed.

November 20, 2006

Chairperson Lynn M. Marinelli
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Dear Ms. Marinelli:

MEETING NO. 24
DECEMBER 7, 2006

ERIE COUNTY LEGISLATURE

Thank you for your letter of November 13, 2006 requesting a Minority recommendation for appointment to the Erie County Legislature Charter Working Group. I am recommending John Mills.

Regards,

Barry A. Weinstein, MD
Erie County Legislator, 15th District

FROM THE MINORITY CAUCUS

Item 29 – (COMM. 24E-4) Minority Caucus Budget Amendments - Book A - Amendment to Comm. 19E-2

Item 30 – (COMM. 24E-5) Minority Caucus Budget Amendments - Book B - Amendment to Comm. 19E-2

The above two items were received and filed.

FROM THE MAJORITY CAUCUS

Item 31 – (COMM. 24E-6) Majority Caucus Budget Amendments - Book A - Amendment to Comm. 19E-2

Item 32 – (COMM. 24E-7) Majority Caucus Budget Amendments - Book B - Amendment to Comm. 19E-2

The above two items were received and filed.

FROM THE COMPTROLLER

Item 33 – (COMM. 24E-8) Certificate of Determination - Relative to the Terms, Form and Details of Sale and Issuance of \$13 Million Public Improvement Serial Bonds

Received and filed.

FROM CHAIRMAN MARINELLI

Item 34 – (COMM. 24E-9) Cancellation of 12/5/06 Legislature Meeting

Received, Filed and Printed.

December 1, 2006

Mr. Robert M. Graber
Clerk, Erie County Legislature
92 Franklin Street, 4th Floor

MEETING NO. 24
DECEMBER 7, 2006

ERIE COUNTY LEGISLATURE

Buffalo, N.Y. 14202

Dear Mr. Graber:

Due to the Special Meeting of the Erie County Legislature held from Wednesday, November 29, 2006 to Friday, December 1, 2006, concerning action on the Erie County Executive's tentative 2007 budget, it has been determined that the Legislative Session scheduled for Tuesday, December 5, 2006 is no longer necessary.

Therefore, you are hereby directed to notify the members of the Legislature that the Tuesday, December 5, 2006 scheduled meeting of the Erie County Legislature is hereby cancelled.

Sincerely,

Lynn M. Marinelli
Chair, Erie County Legislature

FROM THE COUNTY EXECUTIVE

Item 34 – (COMM. 24E-10) Sale and Lease of Certain Buildings Between Erie County and ECMCC

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 36 – (COMM. 24E-11) Mental Health - Authorizing Erie County to Amend and Increase its 2006 Contract with Cazenovia Recovery Systems, Inc.

Received and referred to the HEALTH COMMITTEE.

Item 37 – (COMM. 24E-12) CPS Forensic Laboratory - 2006-08 NYS DNA Capacity Enhancement Grant

Received and referred to the PUBLIC SAFETY COMMITTEE.

Item 38 – (COMM. 24E-13) ECSD No. 4 - Proposed Modifications of Plans - Erie County Sewer Agency Report

Item 39 – (COMM. 24E-14) ECSD Nos. 1-6 & 8 - User Charge Rates

The above two items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 40 – (COMM. 24E-15) CPS - NYS Wireless Network - Generic Environmental Impact Statement pursuant to SEQRA

Item 41 – (COMM. 24E-16) STOP-DWI - Reallocation to Probation and CPS Lab

MEETING NO. 24
DECEMBER 7, 2006

ERIE COUNTY LEGISLATURE

Item 42 – (COMM. 24E-17) Probation and Youth Detention Services - Authorization to Enter into a Contract With the NYS Office of Children and Family Services

The above three items were received and referred to the PUBLIC SAFETY COMMITTEE.

Item 43 – (COMM. 24E-18) Senior Services - Authorization to Amend the Transportation Services Sponsorship Program Budget

Received and referred to the HUMAN SERVICES COMMITTEE.

Item 44 – (COMM. 24E-19) PILOT Agreement for Lakeview Phase IIIA.2

Item 45 – (COMM. 24E-20) Contract for Funding of Technology Upgrades to the Buffalo Niagara Convention Center from the Empire State Development Corporation

The above two items were received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 46 – (COMM. 24E-21) Reappointment to CPS Board of Trustees

Received, Filed and Printed.

The Honorable
 Erie County Legislature
 25 Delaware Avenue
 Buffalo, New York 14202

Re: Reappointment to Central Police Services Board of Trustees

Pursuant to Article 11-D-03 of the Erie County Administrative Code, I, Joel A. Giambra, Erie County Executive, do hereby reappoint the following individual to the Central Police Services Board of Trustees:

<u>Name</u>	<u>Term Expires</u>
D. Patrick Curley 48 Harvard Place Orchard Park, New York 14127	December 31, 2007

Very truly yours,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

JAG/jdl
 Cc: Appointee
 Commissioner Kevin Comerford

**MEETING NO. 24
DECEMBER 7, 2006**

ERIE COUNTY LEGISLATURE

Item 47 – (COMM. 24E-22) Appointments/Reappointment to the Erie County Fisheries Advisory Board

Received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

Item 48 – (COMM. 24E-23) Appointments/Reappointment to the Erie County Disaster Preparedness Advisory Board

Received, Filed and Printed.

December 5, 2006

The Honorable
Erie County Legislature
92 Franklin Street
Buffalo, New York 14202

Re: Appointments/Reappointments to the Erie County Disaster Preparedness Advisory Board

Honorable Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Erie County Charter Article XI-C-03, do hereby appoint/reappoint the following individuals to the Erie County Disaster Preparedness Advisory Board:

APPOINTMENTS

NAME & ADDRESS

TERM EXPIRATION

Cmdr. Scott Fergusin
1 Fuhrman Boulevard
Buffalo, NY 14202

December 31, 2008

Mr. Bill Ransom
150 Erie Street
Lancaster, New York 14086

December 31, 2008

REAPPOINTMENTS

NAME & ADDRESS

TERM EXPIRATION

D. Patrick Curley
48 Harvard Place
Orchard Park, New York 14127

December 31, 2008

MEETING NO. 24
DECEMBER 7, 2006

ERIE COUNTY LEGISLATURE

Glenn Filbert
 National Fuel Gas Distribution Corp.
 6363 Main Street
 Williamsville, New York 14221
 December 31, 2008

Edward Gehen
 82 Meadow Lane
 West Seneca, New York 14224
 December 31, 2008

Joan Kesner
 5533 Wynfield Court
 Hamburg, New York 14075
 December 31, 2008

Judith Levan
 120 University Boulevard
 Depew, New York 14043
 December 31, 2008

Ernest Matthews
 7267 Chestnut Ridge Road
 Orchard Park, New York 14127
 December 31, 2008

Randall Rider
 290 DuPont Avenue
 Tonawanda, New York 14150
 December 31, 2008

Gary Shoffstall
 7830 Hywood Drive
 Hamburg, New York 14075
 December 31, 2008

Very truly yours,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

JAG/jdj

Cc: Appointees
 Deputy Commissioner Dean Messing

Item 49 – (COMM. 24E-24) Reappointments to the Emergency Services Advisory Board

Received, Filed and Printed.

December 5, 2006

The Honorable
 Erie County Legislature
 92 Franklin Street

MEETING NO. 24
DECEMBER 7, 2006

ERIE COUNTY LEGISLATURE

Buffalo, New York 14202

Re: Reappointment to the Emergency Medical Services Advisory Board

Honorable Members:

I, Joel A. Giambra, Erie County Executive, pursuant to Erie County Charter Article XI-C-03, do hereby reappoint the following individuals to the Emergency Medical Services Board:

REAPPOINTMENTS

<u>NAME & ADDRESS</u>	<u>TERM EXPIRATION</u>
Doug Baker Buffalo Niagara International Airport PO Box 224 Buffalo, New York 14225	December 31, 2008
Allen Brown 98 Chateau Terrace Snyder, New York 14226	December 31, 2008
Kurt Buranich 5468 S. Freeman Road Orchard Park, New York 14127	December 31, 2008
Joseph Casper 3074 Milford Terrace Hamburg, New York 14075	December 31, 2008
Chaplin John Gaglione 914 th Airlift Wing / Chapel 2510 Kirkbridge Drive, Bldg. 803 Niagara Falls AFT, New York 14304	December 31, 2008
David Guarino 98 Treehaven West Seneca, New York 14224	December 31, 2008
Douglas Jensen 12981 Jennings Road Collins, New York 14034	December 31, 2008
Lance Kohn, Sr. 37 Dunlop Tonawanda, New York 14150	December 31, 2008

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ERIE COUNTY LEGISLATURE

Robert Malone 78 Wellington Road Buffalo, New York 14216	December 31, 2008
Robert Niedermayer 44 Christian Drive Cheektowaga, New York 14225	December 31, 2008
Diane Randazzo 17 Westwood Tonawanda, New York 14150	December 31, 2008
Dr. Josette Teuscher PO Box 336 Colden, New York 14033	December 31, 2008
Scott Wander 462 Grider Street Buffalo, New York 14215	December 31, 2008
Patricia Ware 6531 Hillcrest Drive Orchard Park, New York 14127	December 31, 2008
Sylvia Young PO Box 891 Buffalo, New York 14205	December 31, 2008

Very truly yours,

JOEL A. GIAMBRA
 ERIE COUNTY EXECUTIVE

JAG/jdj

Cc Appointees
 Deputy Commissioner Dean Messing

Item 50 – (COMM. 24E-25) Appointment to the BECPL Board of Trustees

Item 51 – (COMM. 24E-26) Reappointment to the BECPL Board of Trustees

The above two items were received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

MEETING NO. 24
DECEMBER 7, 2006

ERIE COUNTY LEGISLATURE

FROM THE CLERK OF THE LEGISLATURE

Item 52 – (COMM. 24D-1) Notice of Public Hearing

Received, Filed and Printed.

November 14, 2006

To: All Members of the Erie County Legislature

From: Robert M. Graber, Clerk

Subject: NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that there will be a PUBLIC HEARING conducted by the Erie County Legislature on MONDAY, NOVEMBER 27, 2006 AT FIVE O’CLOCK in the afternoon of that day in the Erie County Legislature Chambers on the 4th Floor of Old County Hall, 92 Franklin Street, in the City of Buffalo, New York.

This PUBLIC HEARING is being conducted to provide concerned citizens an opportunity to offer comments on the Erie County Budget for 2007 and action on revenue initiatives necessary to implement the 2007 budget.

Thank you.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

Item 53 – (COMM. 24D-2) Notice of Proposed Agenda - 11/16/06

Received and filed.

FROM ERIE COMMUNITY COLLEGE

Item 54 – (COMM. 24D-3) Notice of Meeting of Board of Trustees - 11/15/06

Received and filed.

FROM THE COUNTY ATTORNEY

Item 55 – (COMM. 24D-4) Transmittal of New Claims Against Erie County

Received and filed.

FROM THE ERIE COUNTY CULTURAL RESOURCES ADVISORY BOARD

Item 56 – (COMM. 24D-5) ECCRAB's 2007 Final Observations

MEETING NO. 24
DECEMBER 7, 2006

ERIE COUNTY LEGISLATURE

Received and filed.

FROM ERIE COMMUNITY COLLEGE

Item 57 – (COMM. 24D-6) Notice of Meeting of Board of Trustees - 11/29/06

Received and filed.

FROM THE DEPARTMENT OF HEALTH

Item 58 – (COMM. 24D-7) Notice of Board of Health Meeting - 12/7/06

Received and filed.

FROM THE DEPARTMENT OF ENVIRONMENT & PLANNING

Item 59 – (COMM. 24D-8) Erie County Expansion of Tow Path Park - Improvements to Hertel Avenue Right-of-Way

Received and filed.

FROM THE COUNTY ATTORNEY

Item 60 – (COMM. 24D-9) Transmittal of New Claims Against Erie County

Received and filed.

FROM THE CLERK OF THE LEGISLATURE

Item 61 – (COMM. 24D-10) Written Testimonies of the Public Hearing Held on 11/27/06

Received and filed.

FROM THE DEPARTMENT OF BUDGET, MANAGEMENT & FINANCE

Item 62 – (COMM. 24D-11) Amendments to the 2007 Executive Budget Proposed by the Minority Republican Caucus

Received and filed.

FROM ERIE COMMUNITY COLLEGE

Item 63 – (COMM. 24D-12) Agenda for Board of Trustees Meeting - 11/29/06

Received and filed.

FROM THE BUFFALO & ERIE COUNTY PUBLIC LIBRARY

**MEETING NO. 24
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ERIE COUNTY LEGISLATURE

Item 64 – (COMM. 24D-13) Library Protection Act

Received and filed.

FROM ERIE COMMUNITY COLLEGE

Item 65 – (COMM. 24D-14) Minutes for Board of Trustees Meeting held 10/18/06

Received and filed.

FROM THE DEPARTMENT OF BUDGET, MANAGEMENT & FINANCE

Item 66 – (COMM. 24D-15) 2007 Proposed Erie County Budget & Apportioned Tax Rate

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE CLERK OF THE LEGISLATURE

Item 67 – (COMM. 24D-16) Cancellation of Legislative Session Scheduled for 12/5/06

December 1, 2006

To: All Members of the Erie County Legislature

From: Robert M. Graber, Clerk

Subject: CANCELLATION OF LEGISLATIVE SESSION SCHEDULED FOR TUESDAY,
DECEMBER 5, 2006

PLEASE TAKE NOTICE that due to the Special Meeting of the Erie County Legislature held from Wednesday, November 29, 2006 to Friday, December 1, 2006, concerning action of the Erie County Executive's tentative 2007 budget, it has been determined that the Legislative Session scheduled for Tuesday, December 5, 2006 is no longer necessary.

Therefore, the Tuesday, December 5, 2006 scheduled meeting of the Erie County Legislature is hereby cancelled.

Thank you.

FROM THE DEPARTMENT OF PUBLIC WORKS

Item 68 – (COMM. 24D-17) Interim Remedial Action on Hopkins Road

Received and filed.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

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ERIE COUNTY LEGISLATURE

FROM THE ERIE COUNTY FISCAL STABILITY AUTHORITY

Item 69 – (COMM. 24M-1) Hiring and Contract Processes

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM GEORGE K. ARTHUR

Item 70 – (COMM. 24M-2) Erie County Legislature Charter Working Group

November 16, 2006

Honorable Lynn M. Marinelli
Chair, Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, New York 14202

Dear Chair Marinelli:

I will be happy to serve as a member of the Erie County Legislature Charter Working Group. I look forward to the opportunity to continue the effort to improve Erie County government by ensuring that the reforms recently approved overwhelming by the voters of Erie County are implemented in a timely and efficient manner.

Thank you.

Sincerely,

George K. Arthur
154 Roebling Street
Buffalo, New York 14215

FROM THE TOWN OF EVANS

Item 71 – (COMM. 24M-3) North Evans Fire District

Received and filed.

FROM THE ERIE COUNTY ENVIRONMENTAL MANAGEMENT COUNCIL

Item 72 – (COMM. 24M-4) Notice and Agenda for Meeting Held 11/28/06

Received and filed.

FROM ASSEMBLYMAN MIKE COLE

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Item 73 – (COMM. 24M-5) Receipt of Certified Resolution

Received and filed.

FROM RENESSELAER COUNTY LEGISLATURE

Item 74 – (COMM. 24M-6) Certified Resolution Re: Urging the Federal Government to Change the Threshold on the Tax Placed on Social Security Income

Received and filed.

FROM THE TOWN OF LANCASTER

Item 75 – (COMM. 24M-7) Certified Resolution Re: Support for the Continuation of the Existence of All Five IDAs

Received and filed.

FROM LEE CHARLES LAMENDOLA, ATTY. AT LAW

Item 76 – (COMM. 24M-8) Copy of Letter to Probation Director Re: Family Court Building

Received and referred to the HEALTH COMMITTEE.

FROM THE ERIE COUNTY FISCAL STABILITY AUTHORITY

Item 77 – (COMM. 24M-9) CVB Funding

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE ERIE COUNTY WATER AUTHORITY

Item 78 – (COMM. 24M-10) ECWA 2007 Adopted Operating and Maintenance Budget and Capital Budget

Received and filed.

FROM THE ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY

Item 79 – (COMM. 24M-11) Notice of Board of Directors Meeting

Received and filed.

FROM THE NIAGARA FRONTIER TRANSPORTATION AUTHORITY

Item 80 – (COMM. 24M-12) NFTA Board Minutes

Received and filed.

FROM THE TOWN OF HAMBURG

Item 81 – (COMM. 24M-13) Certified Resolution Re: Moving Lackawanna Toll Barrier

Item 82 – (COMM. 24M-14) Certified Resolution Re: Support for the Continuation of the Existence of All Five IDAs

The above two items were received and filed.

FROM THE VILLAGE OF ORCHARD PARK

Item 83 – (COMM. 24M-15) Certified Resolution Re: ECSD No. 3

Received and filed.

MEMORIAL RESOLUTIONS

Item 84 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Nicholas A. Sanfratello.

Item 85 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of William M. Thomas.

Item 86 – Ms. Marinelli requested that when the Legislature adjourns, it do so in memory of Anita K. Lane.

Item 87 – Mr. Loughran requested that when the Legislature adjourns, it do so in memory of Jack Sharpe.

Item 88 – Mr. Holt requested that when the Legislature adjourns, it do so in memory of Willie Canty.

Item 89 – Mr. Weinstein requested that when the Legislature adjourns, it do so in memory of Patricia Regal.

Item 90 – Mr. Ranzenhofer requested that when the Legislature adjourns, it do so in memory of Michael Curran.

Item 91 – Mr. Ranzenhofer requested that when the Legislature adjourns, it do so in memory of Salvatore Brunetto.

Item 92 – Mr. Smith requested that when the Legislature adjourns, it do so in memory of William J. Middlebrooks.

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Item 94 – Ms. Whyte requested that when the Legislature adjourns, it do so in memory of the American Soldiers who passed fighting in combat in Iraq.

Item 95 – Mr. Mazur requested that when the Legislature adjourns, it do so in memory of Wanda Kucewicz.

Item 96 – Ms. Iannello requested that when the Legislature adjourns, it do so in memory of Evelyn Jane Cook.

Item 97 – Ms. Iannello requested that when the Legislature adjourns, it do so in memory of soldiers who passed at Pearl Harbor.

Item 98 – Mr. Reynolds requested that when the Legislature adjourns, it do so in memory of soldiers who passed at Pearl Harbor.

ADJOURNMENT

Item 99 - At this time, there being no further business to transact, the Chairman announced that the Chair would entertain a Motion to Adjourn.

MS. WHYTE moved that the Legislature adjourn until Tuesday, December 12, 2006, at 2 p.m. Eastern Standard Time. MR. KOZUB seconded.

CARRIED UNANIMOUSLY.

The Chairman declared the Legislature adjourned until Tuesday, December 12, 2006, at 2 p.m. Eastern Standard Time.

ROBERT M. GRABER
CLERK OF THE LEGISLATURE